

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on December 7, 2010.

Acting Mayor Gover presided and called the meeting to order at 6:30 p.m.

Acting Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Acting Mayor Tim Gover.

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

Acting Mayor Gover called for a moment of silence to observe those who died at Pearl Harbor; and noted Mr. Carl Browning was the only remaining Mattoon survivor of Pearl Harbor.

Commissioner Ervin seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting November 16 and special meeting November 23, 2010; Fire department report for the month of November, 2010; bills and payroll for the last half of November, 2010.

**Bills and Payroll for the last half of November, 2010**

**General Fund**

Payroll		\$ 298,525.74
Bills		<u>\$ 135,947.73</u>
	Total	\$ 434,473.47

**Hotel Tax Fund**

Payroll		\$ 1,873.65
Bills		<u>\$ 1,427.96</u>
	Total	\$ 3,301.61

**Festival Management**

Bills		<u>\$ 3,915.48</u>
	Total	\$ 3,915.48

**Insurance & Tort Judgment**

Bills		<u>\$ 19,639.90</u>
	Total	\$ 19,639.90

**Capital Project**

Bills		<u>\$ 187,873.20</u>
	Total	\$ 187,873.20

**Water Fund**

Payroll		\$ 28,738.91
Bills		<u>\$ 608,073.43</u>
	Total	\$ 636,812.34

**Sewer Fund**

Payroll		\$ 28,709.48
Bills		<u>\$ 42,182.08</u>
	Total	\$ 70,891.56

**Motor Fuel Tax Fund**

Bills		<u>\$ 13,648.64</u>
	Total	\$ 13,648.64

### Health Insurance

Bills		\$ 108,189.54
	Total	\$ 108,189.54

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

### PUBLIC COMMENTS/PRESENTATION AND NON-AGENDA ITEMS:

Acting Mayor Gover opened the floor for public comments and non-agenda items. Mr. Henry Helm of Humboldt with Region 8 of the Coalition of Citizens with Disabilities in Illinois demanded the City correct the Depot's access of doors, access ramp, and parking fine signs on Broadway Avenue to accommodate handicapped individuals. Administrator McLaughlin stated the issues with the Depot were being addressed. She further noted where there were no handicapped spaces on Broadway Avenue, the City has made non-enforceable handicapped parking spaces, until the spaces could be made ADA compliant; therefore, there were currently no signs. Commissioner Ervin stated the handicapped parking spaces on Broadway were created due to a request from a citizen.

Acting Mayor Gover opened the floor for further comments with no responders.

- Police Chief Branson and Acting Mayor Gover presented a retirement plaque to Captain Stephen Pollum in acknowledgement of his over 26 years of service with the City.
- Acting Mayor Gover read the following proclamation:

### **National Drunk and Drugged Driving (3D) Prevention Month December 2010**

WHEREAS, motor vehicle crashes killed 911 people in Illinois during 2009; and

WHEREAS, 319 of those deaths involved a driver impaired by alcohol; and

WHEREAS, the December holiday season is traditionally one of the most deadly times of the year for alcohol-impaired driving; and

WHEREAS, for thousands of families across the state and the nation, these holidays are a sad time to remember loved ones lost; and

WHEREAS, organizations across the state and the nation are joined with the *You Drink & Drive. You Lose* and other campaigns which foster public awareness of the dangers of impaired driving and anti-impaired driving law enforcement efforts; and

WHEREAS, the community of Mattoon is proud to partner with the Illinois Department of Transportation Division of Traffic Safety and other traffic safety groups in that effort to make our roads and streets safer.

NOW, THEREFORE, I, Timothy Gover, do hereby proclaim December 2010 as ***Drunk and Drugged Driving (3D) Prevention Month*** in the City of Mattoon, Illinois and do hereby call upon all citizens, government agencies, business leaders, hospitals and health care providers, schools, and public and private institutions to promote awareness of the impaired driving problems, to support programs and policies to reduce the incidence of impaired driving, and to promote safer and healthier behaviors regarding the use of alcohol and other drugs this December holiday season and throughout the year.

/s/ Timothy Gover  
Timothy Gover, Mayor

12/07/2010 (SEAL)  
Date

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- Clerk O'Brien opened the single bid on surplus City property between 10<sup>th</sup> Street on Richmond Avenue. Habitat for Humanity had the single bid of \$1.00 for the property.

**NEW BUSINESS:**

Commissioner Ervin seconded by Commissioner Hall moved to adopt Resolution 2010-2822, authorizing MFT funds in the amount of \$125,000 for reconstruction of Broadway Avenue with new PCC pavement, curb and gutter, storm sewer and driveway pavement east of Swords Drive and McFall Road.



**Illinois Department  
of Transportation**

**Resolution for Improvement by  
Municipality Under the Illinois  
Highway Code**

BE IT RESOLVED, by the \_\_\_\_\_ City Council \_\_\_\_\_ of the  
City \_\_\_\_\_ of \_\_\_\_\_ Council or President and Board of Trustees \_\_\_\_\_ Illinois  
City, Town or Village  
that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
Broadway Avenue	FAU - 7671	East of Swords Drive	McFall Road

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of \_\_\_\_\_ Reconstruction of Broadway Avenue with new PCC pavement,  
curb & gutter, storm sewer and driveway pavement \_\_\_\_\_

\_\_\_\_\_ and shall be constructed \_\_\_\_\_ 24 ft \_\_\_\_\_ wide  
and be designated as Section \_\_\_\_\_ 99-00099-00-WR \_\_\_\_\_

2. That there is hereby appropriated the (additional ☒ Yes ☐ No) sum \_\_\_\_\_ one hundred twenty-five thousand  
and 00 cents \_\_\_\_\_ Dollars ( \$125,000.00 ) for the  
improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by \_\_\_\_\_ contract \_\_\_\_\_ ; and,

Specify Contract or Day Labor  
BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office  
of the Department of Transportation.

Approved

Date

I, \_\_\_\_\_ Susan J. O'Brien \_\_\_\_\_ Clerk in and for the

City \_\_\_\_\_ of \_\_\_\_\_ Mattoon \_\_\_\_\_

City, Town or  
County of \_\_\_\_\_ Coles \_\_\_\_\_, hereby certify the

foregoing to be a true, perfect and complete copy of a resolution adopted

by the \_\_\_\_\_ City Council \_\_\_\_\_

Council or President and Board of Trustees

Department of Transportation

at a meeting on December 7, 2010

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this <sup>Date</sup>

10<sup>th</sup> day of December, 2010

(SEAL)

/s/ Susan J. O'Brien

City. Town. or Village Clerk

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Chief Branson explained the promotional list and promotion of Jason Taylor to captain in accordance of State statutes and City ordinance, reviewed the reduction of captains and importance of restructuring the Police Department through attrition.

Acting Mayor Gover seconded by Commissioner Rankin moved to approve Council Decision Request 2010-1166, approving the promotion of Jason Taylor to Captain in the Mattoon Police Department, due to the retirement of Captain Stephen Pollum.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Acting Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance 2010-5312, providing for a reorganization of the Command Structure of the City of Mattoon Police Department.

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## **CITY OF MATTOON, ILLINOIS**

### **ORDINANCE NO. 2010-5312**

#### **AN ORDINANCE PROVIDING FOR A REORGANIZATION OF THE COMMAND STRUCTURE OF THE CITY OF MATTOON POLICE DEPARTMENT**

**WHEREAS**, there now exists within the City of Mattoon Police Department the following positions other than patrolman: Chief of Police, Deputy Chief, five Captain positions, five Lieutenant positions and five Sergeant positions; and,

**WHEREAS**, the City Council for the City of Mattoon, Coles County, Illinois, deems that it is in the public interest of the taxpayers and citizens of the City of Mattoon and deems that it is in the interest of the City of Mattoon Police Department that the rank structure be reorganized; and,

**WHEREAS**, the City Council for the City of Mattoon, Coles County, Illinois, deems that the best organization of rank positions, other than patrolman, for the City of Mattoon Police Department is as follows: Chief of Police, Deputy Chief, four Captain positions, five Lieutenant positions, and five Sergeant positions; and,

**WHEREAS**, the reorganization of the City of Mattoon Police Department can be accomplished by maintaining the same total number of positions.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Amendments.** Section 34.18 of Chapter 34 of the Code of Ordinances of the City of Mattoon are hereby repealed. Section 34.55 of Chapter 34 is reenacted as follows:

**§ 34.018 OTHER POLICE OFFICIALS AND MEMBERS.**

(A) Captains

(1) There is hereby created four positions within the rank of Captain in the Police Department of said city, who shall hold office until replaced and their successor or successors appointed and qualified. The rank of Captain in the Police Department shall be appointed by the rules and regulations governing the Board of Fire and Police Commissioners of said city.

(2) Any appointment to the rank of Captain in the Police Department shall be from within the ranks Lieutenant of said department

(B) Lieutenants.

(1) There is hereby created ~~four~~ five positions within the ranks of Lieutenant in the Police Department of said city, who shall hold office until replaced and their successor or successors appointed and qualified. The rank of Lieutenant in the Police Department shall be appointed by the rules and regulations governing the Board of Fire and Police Commissioners of said city.

(2) Any appointment to the rank of Lieutenant in the Police Department shall be from within the ranks of ~~patrol officers~~ Sergeants of said department

(C) Sergeants.

(1) There is hereby created ~~four~~ five positions within the ranks of Sergeant in the Police Department of the city, who shall hold office until replaced and their successor or successors appointed and qualified. The rank of Sergeant in the Police Department shall be appointed by the rules and regulations governing the Board of Fire and Police Commissioners of the city.

(2) Any appointment to the rank of Sergeant in the Police Department shall be from within the ranks of Patrol Officers of said department.

~~(3) Two positions of sergeant are hereby abolished except that said positions shall be eliminated through attrition.~~

(D) Patrol Officers.

(1) The patrol officers, when on duty, shall devote their entire time and attention to the discharge of the duties of their office; they shall observe all the rules and regulations of the Department, and shall to the best of their ability preserve order, quiet and peace throughout the city, and shall enforce the laws of the state and the ordinances of the city.

(2) They shall report to the Chief all persons known or suspected to be gamblers, and all houses or places suspected of being gaming houses, houses of ill-fame, and the like. When it shall come to the knowledge of any police officer that an offense has been committed he shall cause complaint to be made and the proper witnesses to be subpoenaed and evidence procured for the successful prosecution of the offender.

~~—(D) Director of Telecommunications.~~

~~—(1) The position of Director of Telecommunications be and is hereby created.~~

~~—(2) The position description (Exhibit A, attached to Resolution 99-2178 and fully incorporated herein by reference) is hereby approved.~~

~~(Res. 99-2178, passed 4-20-1999)~~

~~—(E)— *Data entry operator.*~~

~~—(1)— The position of Data Entry Operator is hereby created.~~

~~—(2)— The position description (Exhibit A, attached to Res. 99-2179 and fully incorporated herein by reference) is hereby approved.~~

~~(Res. 99-2179, passed 4-20-1999)~~

~~—(F)— *Captain.* One captain position is hereby created.~~

**Section 3.** This ordinance shall be effective upon the day of its adoption and approval by the City Council. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

**Section 4.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Acting Mayor Gover, seconded by Commissioner Hall, adopted this 7th day of December, 2010, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,  
Commissioner Rankin, Acting Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 7th day of December, 2010.

/s/ Tim Gover  
Tim Gover, Acting Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 8, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2010-1167, authorizing the purchase of a replacement Waste Water Treatment Plant Sludge Grinder in the amount of \$7,985 from Vandevanter Engineering.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Acting Mayor Gover seconded by Commissioner Ervin moved to approve Council Decision Request 2010-1168, authorizing the Acting Mayor to sign a contract with Bill Whitworth in the amount of \$700 per month for the rental of 313 Lake Land Boulevard for temporary Police Department storage, previously Fire Station #2.

Acting Mayor Gover opened the floor for discussion. Chief Branson acknowledged the rental would be for at least one year.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Acting Mayor Gover seconded by Commissioner Rankin moved to approve Council Decision Request 2010-1169, approving the proposals from Parrish Carpet Sales in the amount of \$7,284.66 and Salvato Flooring in the amount of \$6,287.18 for the replacement of carpeting on the basement and first floor of the Police Department.

Acting Mayor Gover opened the floor for discussion. Acting Mayor Gover stated the replacement would be paid from insurance funds due to sewer backup.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Hall seconded by Commissioner Ervin moved to approve Council Decision Request 2010-1170, approving the purchase of a replacement Command vehicle for the Mattoon Fire Department in the amount of \$21,571 from Pilson's Auto Center in Mattoon.

Acting Mayor Gover opened the floor for discussion. Chief Nichols stated the funding for the vehicle was a result in the savings budgeted for radio equipment.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Hall seconded by Commissioner Rankin moved to adopt Special Ordinance 2010-1418, declaring a Fire Department vehicle surplus and authorizing the trade-in of the vehicle toward the purchase of the replacement Command vehicle.

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## **CITY OF MATTOON, ILLINOIS**

### **SPECIAL ORDINANCE: 2010-1418**

#### **A SPECIAL ORDINANCE DECLARING A FIRE DEPARTMENT VEHICLE SURPLUS AND AUTHORIZING THE FIRE CHIEF TO TRADE IT IN TOWARDS THE PURCHASE OF A FIRE DEPARTMENT COMMAND VEHICLE**

**WHEREAS**, the City of Mattoon currently owns a Chevrolet Impala that is surplus to the needs of the Mattoon Fire Department.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** A 2005 Chevrolet Impala (2G1WF55K159316092) is hereby declared surplus to the needs of the City of Mattoon.

**Section 2.** The Fire Chief is hereby authorized to trade said vehicle towards the purchase of a new pick up truck to Pilson's Auto Center.

**Section 3.** The Mayor and City Clerk are authorized and directed to execute any documents necessary to affect the trade of this vehicle.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Commissioner Hall, seconded by Commissioner Rankin, adopted this 7th day of December, 2010, by a roll call vote, as follows:

AYES (Names):           Commissioner Ervin, Commissioner Hall  
                                  Commissioner Rankin, Acting Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 7<sup>th</sup> day of December, 2010.

/s/ Tim Gover

Tim Gover, Acting Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 8, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Ervin seconded by Commissioner Hall moved to adopt Resolution 2010-2823, approving an agreement with Coles County Council on Aging, Inc. for emergency use of "Dial-a-Ride" vehicles.

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2010-2823**

**A RESOLUTION APPROVING AN AGREEMENT WITH  
COLES COUNTY COUNCIL ON AGING, INC. FOR  
EMERGENCY USE OF "DIAL-A-RIDE" VEHICLES**

**WHEREAS**, the Coles County Council on Aging, Inc. (CCCoA) has large "bus" type vans which are used in its day-to-day functions for the transport of senior citizens; and,

**WHEREAS**, the Coles County Council on Aging, Inc. desires to make the vans available for use by the City of Mattoon emergency forces, including the City of Mattoon Police Department and the City of Mattoon Fire Department during emergencies and natural disasters; and,

**WHEREAS**, the City Council for the City of Mattoon deems that it is in the public interest that an agreement be reached with the Coles County Council on Aging, Inc. for the use of the vans under emergency and natural disaster situations.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Mattoon, Coles County, Illinois:

**Section 1.** That the "Working Agreement" attached hereto and marked as Exhibit "A" be and is hereby approved; and,

**Section 2.** That the Mayor Pro-Tem and City Clerk be and are hereby authorized to execute Exhibit "A" and any and all other documents necessary to give effect thereto.

Upon motion by Commissioner Ervin, seconded by Commissioner Hall, adopted this 7<sup>th</sup> day of December, 2010, by a roll call vote, as follows:

AYES (Names): Mayor Pro-Tem Ervin, Commissioner Hall



NAYS (Names): Commissioner Rankin  
ABSENT (Names): None  
ABSTAIN (Names): Acting Mayor Gover

Approved this 7th day of December, 2010.

/s/Randy Ervin, Mayor Pro-Tem  
Randy Ervin, Mayor Pro-Tem  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on December 8, 2010.

Acting Mayor Gover opened the floor for discussion. Acting Mayor Gover announced his abstention from the vote due to his presidency on the Coles Council on Aging Board.

Mayor Pro-Tem Ervin declared the motion carried by the following vote: YEA Mayor Pro-Tem Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, Abstain Acting Mayor Gover.

Council Decision Request 2010-1171 was not considered.

Acting Mayor Gover seconded by Commissioner Ervin moved to approve Special Ordinance 2010-1419, authorizing the Acting Mayor and City Clerk to sign a promissory note and associated documents with First Mid-Illinois Bank & Trust, N.A. in the amount of up to \$2,000,000 for the payment of Illinois Municipal Retirement Fund early retiree pension obligations (\$1,550,000) and various energy savings projects (\$450,000).

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## **CITY OF MATTOON, ILLINOIS**

### **SPECIAL ORDINANCE NO. 2010-1419**

#### **A SPECIAL ORDINANCE AUTHORIZING THE ACTING MAYOR AND CITY CLERK TO SIGN A PROMISSORY NOTE AND ASSOCIATED DOCUMENTS WITH FIRST MID-ILLINOIS BANK & TRUST, N.A. FOR THE IMRF EARLY RETIREMENT INCENTIVE AND THE SIEMENS ENERGY SAVINGS CONTRACT**

**WHEREAS**, the City of Mattoon offered its employees the opportunity to take advantage of an Early Retirement Incentive (ERI) through the Illinois Municipal Retirement Fund (IMRF); and,

**WHEREAS**, fifteen employees took the ERI; and,

**WHEREAS**, the City of Mattoon must pay for its portion of the cost of the ERI and this payment must be made prior to December 31, 2010; and,

**WHEREAS**, the City will see long term savings from this ERI over the next ten years and desires to borrow the amount due at a set interest rate to lock in the saving over the ten year period; and,

**WHEREAS**, the City of Mattoon has entered into contract with Siemens Industry, Inc. to provide energy saving modifications to certain City buildings; and,

**WHEREAS**, the City expects to save more in energy cost over the next ten years than the cost of these modifications; and,

**WHEREAS**, the City desires to borrow the initial costs of these modifications; and,

**WHEREAS**, the City believes it is more cost effective to combine these two projects into one borrowing; and,

**WHEREAS**, the City solicited proposals for the borrowing of this money and the First Mid-Illinois Bank & Trust, N.A. submitted a proposal of .76% less than the Wall Street Journal Prime Rate as of the day of closing (a current rate of 2.49%); and,

**WHEREAS**, the Illinois Statutes, at 65 ILCS 5/8-1-3.1, allow the City of Mattoon to execute the type of obligation provided for in this Special Ordinance.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION**, as follows:

**Section 1.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Special Ordinance.

**Section 2.** The Acting Mayor, City Clerk and City Attorney and Treasurer are authorized and directed to sign all documents necessary for the issuance of a promissory note in a principal amount not to exceed of Two Million and no/100 Dollars (\$2,000,000) from the City of Mattoon to First Mid-Illinois Bank & Trust, N.A.

**Section 3.** The Acting Mayor and City Clerk are also authorized to do any act and sign any additional documents necessary to implement the intent of this Ordinance.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Acting Mayor Gover, seconded by Commissioner Ervin, adopted this 7th day of December, 2010, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,  
Commissioner Rankin, Acting Mayor Gover  
NAYS (Names): None  
ABSENT (Names): None

Approved this 7th day of December, 2010.

/s/ Timothy D. Gover  
Timothy D. Gover, Acting Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 8, 2010.

Acting Mayor Gover opened the floor for discussion. Attorney & Treasurer Owen noted the loan was to fund the early retirement incentive which was required to be paid by December 31, 2010 to avoid a higher IMRF loan percentage. The loan would have 2.49% interest.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Acting Mayor Gover seconded by Commissioner Rankin moved to approve Ordinance 2010-5313, amending Chapter 95 of the municipal code to limit the abatement or removal of inoperable or unlicensed vehicles to seven days upon issuance of a nuisance violation notice.

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**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2010-5313**

**AN ORDINANCE AMENDING CHAPTER 95 OF THE MUNICIPAL CODE REGARDING NUISANCE VIOLATIONS**

**WHEREAS**, 65 ILCS 5/11-60-2 enables the corporate authorities of each municipality to define, prevent and abate nuisances; and

**WHEREAS**, the City Council desires to sanction altered procedures that are intended to enable more expedient abatement of nuisance conditions.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mattoon as follows:

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Code Amendment.** Section §95.03 of Chapter 95 of the Code of Ordinances of the City of Mattoon are hereby amended as follows:

**95.03 Filing Complaints; Inspections; Notice to Abate; Failure to Abate; Abatement by City; Appeal**

(D) Such notice shall specifically describe the public nuisance and shall direct the owner or the occupant of the private property where the public nuisance exists or the person causing, permitting or maintaining such nuisance to abate or remove such nuisance within ten days of service or posting of the notice, except in regards to vegetation whereby abatement or removal shall be completed within three (3) days of service or posting of the notice and except in regards to inoperable or unlicensed vehicle whereby abatement or removal shall be completed within seven (7) days of service or posting of the notice. If such owner, occupant or person cannot be located after reasonable inquiry, posting shall be sufficient notice. The notice shall state that unless such nuisance is so abated or removed the city will cause it to be abated or removed, that the cost thereof will be charged to the owner, occupant or person causing, permitting or maintaining the nuisance and that such cost shall be a lien on the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner, occupant or person to abate the nuisance as required by such notice shall be deemed an implied consent for the city to abate or remove such nuisance. Such implied consent shall be deemed to form a contract between such owner, occupant or person and the city. If the public nuisance does not constitute a great and immediate danger to the public health, safety or welfare, the Nuisance Enforcement Coordinator or the Coordinator's designee may serve the owner or occupant of such premises or the person in whose name such real estate was last billed for property tax purposes a notice to demand the abatement or removal of the violation within ten days. Service may be had by certified mail or personal service or by posting the notice on the property and mailing notice by first class mail.

**Section 3. Severability.** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

**Section 4.** This ordinance shall be effective upon the day of its adoption and approval by the City Council. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

**Section 5.** This ordinance shall be effective upon its publication and approval as provided by law.

Upon motion by Acting Mayor Gover, seconded by Commissioner Rankin, adopted this 7<sup>th</sup> day of December 2010, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,

Commissioner Rankin, Acting Mayor Gover  
NAYS (Names): None  
ABSENT (Names): None

Approved this 7<sup>th</sup> day of December, 2010.

/s/ Timothy D. Gover  
Timothy D. Gover, Acting Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 8, 2010.

Acting Mayor Gover opened the floor for discussion. Council discussed the current limit of 10 days.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

#### DEPARTMENT REPORTS:

CITY ADMINISTRATOR – updated the Council on development and public works projects, and implementation of a budget calendar for the next fiscal year.

ATTORNEY & TREASURER – reiterated the budget calendar, finalizing last year's audit, and noting the expiration of Young's Radiator's notice enabling the setting of a hearing date.

CITY CLERK – noted candidate petitions filing period from Dec 13-20<sup>th</sup>; and upcoming liquor license renewal date on December 30<sup>th</sup>.

PUBLIC WORKS – Administrator McLaughlin stated public works director interviews, YMCA lot's first portion as completed and sealed, Marshall & 14<sup>th</sup> repairs were frozen, bucket truck issues, completion of sewer project at 10<sup>th</sup> & Richmond, fleet management issues, and employment of the public works director after the first of the year. Council discussed the progression of the YMCA expansion and parking lot.

COMMUNITY DEVELOPMENT – updated the Council on Coles Centre's progress and their request to reduce their performance bond; and demolitions. Ms. Joyce St. Michael inquired as to the completion of the Charleston Avenue Bridge. Acting Mayor Gover stated the anticipated date of completion would be in late January or February, 2011.

FIRE – updated the Council on fire extinguisher demonstrations, medical training, inspections, review of Operation Community Pride before conducting inspections, and progress by paramedic students with an expected graduation date in May and State exams in June. Acting Mayor Gover announced the appreciation of Mr. Charles Neff for the Fire Department's efforts on extinguishing the fire on his property.

POLICE - announced the replacement of the MPD floors, successful Shop-with-a-Cop, three officers on light duty, and initiating the second phase of enforcing public nuisances. Administrator McLaughlin commended the MPD for their support of Operation Community Pride. Acting Mayor Gover extended the commendation from the Iowa State Police to the MPD for their efforts in apprehending the bank robbers.

#### COMMENTS BY THE COUNCIL –

Commissioner Hall – nothing at this time.

Commissioner Ervin – nothing at this time.

Commissioner Rankin –revisited the access to the Depot by noting construction commencing next Spring; and requested the construction of a temporary ramp.

Acting Mayor Gover – opened the floor for public comment with no responders.

Acting Mayor Gover seconded by Commissioner Hall moved to recess to closed session at 7:09 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the land acquisition or lease of real property (5 ILCS 120(2)(c)(5)); and the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)).

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Acting Mayor Gover noted no action upon returning from closed session.

Council reconvened at 7:58 p.m.

Commissioner Rankin seconded by Commissioner Hall moved to adjourned at 7:59 p.m.

Acting Mayor Gover declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

/s/ Susan J. O'Brien  
City Clerk